

GLENN COUNTY AIR POLLUTION CONTROL DISTRICT

***** ARTICLE I GENERAL PROVISIONS *****

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SECTION TITLE. These Rules and Regulations shall be known as the Regulations of the Air
1 Pollution Control District of Glenn County.

SECTION DEFINITIONS. Except as otherwise specifically provided in these Regulations and
2 except where the context otherwise indicates, words used in these Regulations are used in exactly the same sense as the same words are used in Chapter 2, Division 20, and Chapter 10, Division 26, of the Health and Safety Code of the State of California.

A. Agricultural Burning.

1. *"Agricultural Burning"* means open outdoor fires used in agricultural operations in the growing of crops or raising of fowl or animals, or open outdoor fires used in forest management, range improvement, or the improvement of land for wildlife and game habitat, or disease or pest prevention.
 - a. *"Agricultural burning"* also means open outdoor fires used in the operation or maintenance of a system for the delivery of water for the purposes specified in subdivision 1.
2. *Open Burning in Agricultural Operations* Means:
 - a. The on farm use of open fires to dispose of materials produced wholly from operations in the growing and harvesting of crops or raising of fowls, animals, or bees for the primary purpose of making a profit, of providing a livelihood, or of conducting agricultural research or instruction by an educational institution; and
 - b. in connection with operations qualifying under subdivision 2.:
 1. The burning of grass and weeds in or adjacent to fields in cultivation or being prepared for; and
 2. The burning of material not produced wholly from such operations but which are intimately related to the growing or harvesting of crops and which are used in the field. Included

in the definition are fertilizer and pesticide sacks or containers where the sacks or containers are emptied in the field, but such items as tires, petroleum products, and demolition debris are not included.

- B. **Agricultural Operations.** The growing and harvesting of crops, including timber, or the raising of fowls, animals, fish, or bees, for the primary purpose of earning a living.
- C. **Air Pollution Control Officer.** The Air Pollution Control Officer of the Glenn County Air Pollution Control District.
- D. **Air Contaminant.** Includes smoke, dust, charred paper, soot, grime, carbon, noxious acids, fumes, gases, odors or particulate matter, or any combination thereof.
- E. **Alteration.** Any addition to, enlargement of, replacement of, or any major modification or change of the design, capacity, process or arrangement, or any increase in the connected loading of, equipment or control apparatus, which will significantly increase or effect the kind or amount of air contaminants emitted.
- F. **Atmosphere.** The air that envelopes or surrounds the earth. Where air pollutants are emitted into a building not designed specifically as a piece of air pollution control equipment, such emission into the building shall be considered to be an emission into the atmosphere.
- G. **Board.** "*Board*" means the Air Pollution Control Board of the Air Pollution Control District of Glenn County. The County Board of Supervisors is ex-officio the Air Pollution Control Board of Glenn County.
- H. **Burn and No Burn Days.** A "*No-Burn Day*" means any day on which the California Air Resources Board or the Air Pollution Control Officer prohibits agricultural burning. A "Burn Day" means any day on which the California Air Resources Board does not prohibit agricultural burning, and the responsible fire agency does not prohibit burning under Section 18 of these Regulations.
- I. **Brush Treated.** *Brush Treated* means that the material to be burned has been felled, crushed or uprooted with mechanical equipment, or has been desiccated with herbicides, or is dead.
- J. **Combustible Waste.** "*Combustible Waste*" means any solid combustible refuse material containing carbon in a free or combined state.
- K. **Combustible Waste of A Single or Two Family Dwelling.** Combustible waste produced by one or two families, including such items as dry lawn clippings; dry shrub and tree trimmings from around the yard, and the normal accumulation of paper and other items from within the home, but excluding garbage, demolition debris, tires, car bodies and parts thereof, and similar material.
- L. **Combustion Contaminant.** Any contaminants discharged into the atmosphere from the burning of any materials.
- M. **Condensed Fumes.** "*Condensed Fumes*" are minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create airborne particles.
- N. **Control Officer.** "*Control Officer*" means that Air Pollution Control Officer of the Air Pollution Control District of Glenn County.

- O. **Day of Restricted Burning.** A "*Day of Restricted Burning*" is a day declared by the Control Officer during which agricultural burning must be limited. Restricted burning days are declared on "Burn-Days" when it appears that, because of the volume of expected agricultural burning, smoke emissions will cause the ambient air quality standards to be exceeded.
- P. **District.** "*District*" means the Air Pollution Control District of Glenn County.
- Q. **Dust.** Minute solid particles released into the air by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, etc.
- R. **Emission.** The act of passing into the atmosphere of an air contaminant or gas stream which contains an air contaminant, or the air contaminant so passed into the atmosphere.
- S. **Emission Point.** The place, located in a horizontal plane and vertical elevation, at which an emission enters the atmosphere.
- T. **Flue.** "*Flue*" means any duct or passage for air, gases, or the like, such as a stack or chimney.
- U. **Forest Management Burning.** "Forest Management Burning" means the use of open fires, as part of a forest management practice, to remove forest debris. Forest management practices include timber operations, silvicultural practices or forest protection practices.
- V. **Garbage.** "*Garbage*" means all kitchen and table refuse, and also every accumulation of matter that attends the preparation, consumption or storage of meats, fish, fowl, birds, plastic, rubber, metal or glass.
- W. **Gasoline.** "*Gasoline*" means any petroleum distillate having a Reid vapor pressure of four pounds or greater.
- X. **Hearing Board.** "*Hearing Board*" means the Hearing Board of the Air Pollution Control District of Glenn County as appointed by the Glenn County Air Pollution Control Board.
- Y. **Incineration.** An operation in which combustion is carried on for the principal purpose, or with the principal result, of oxidizing a waste material to reduce its bulk or facilitate its disposal.
- Z. **Installation.** The placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.
- AA. **Bulk Storage Plant.** Any facility where gasoline is stored and delivery vehicles are employed to transport the product to the customer.
- AB. **Open Fires.** "*Open Fires*" means combustion of any combustible waste or other material of any type outdoors in the open air not in any enclosure, where the products of combustion are not directed through a flue.
- AC. **Orchard or Citrus Grove Heater.** "*Orchard or Citrus Grove Heater*" means any article, machine, equipment, bowl burner, or other contrivance, burning any type of fuel, capable of emitting air contaminants, used or capable of being used for the purpose of giving protection from frost damage in areas not completely enclosed. The word "Orchard" includes plant nurseries.
- AD. **Owner.** "*Owner*" includes but is not limited to any person who leases or supervises equipment, in addition to the normal meaning of ownership.
- AE. **Particulate Matter.** Any material, except uncombined water, which exists in a finely divided form as a liquid or solid at standard conditions.

- AF. **Person or Persons.** An individual, public or private corporation, political subdivision, agency, board, department or bureau of the State or any municipality, partnership, co-partnership, firm, association, trust, or estate, or any other legal entity whatsoever which is recognized in law as the subject of rights and duties.
- AG. **PPM.** Parts per million by volume expressed on a dry gas basis.
- AH. **Populated Area.** Populated area means any part of the District which contains in excess of 500 people per square mile.
- AI. **Process Weight Per Hour.** The total weight, including contained moisture, of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. The "process weight per hour" will be derived by dividing the total process weight by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.
- AJ. **Range Improvement Burning.** "*Range Improvement Burning*" means the use of open fires to remove vegetation for wildlife, game or livestock habitat or for the initial establishment of an agricultural practice on previously uncultivated land.
- AK. **Reduction.** "*Reduction*" means any heated process, including rendering, cooking, drying, dehydrating, digesting, evaporating and protein concentrating of any animal matter not intended for human consumption.
- AL. **Silvicultural.** "*Silvicultural*" means the establishment, development, care and reproduction of stands of timber.
- AM. **Standard Conditions.** As used in these Regulations, refers to a gas temperature of sixty (60) degrees Fahrenheit and a gas pressure of fourteen and seven-tenths (14.7) pounds per square inch absolute.
- AN. **Standard Cubic Foot of Gas.** The amount of gas that would occupy a volume of one (1) cubic foot, if free of water vapor, at standard conditions.
- AO. **Timber Operations.** "*Timber Operations*" means cutting or removal of timber or other forest vegetation.
- AP. **Total Reduced Sulfur (TRS).** Total reduced sulfur contained in hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide or other organic sulfide compounds all expressed as hydrogen sulfide. Sulfur dioxide, sulfur trioxide, or sulfuric acid are not to be included in the determination of TRS.
- AQ. **Variance.** An authorization by the Hearing Board to permit some act contrary to the requirements specified by these Regulations.
- AR. **Wildland Vegetation Management Burning.** The use of prescribed burning conducted by a public agency, or through a cooperative agreement or contract involving a public agency, to burn land predominantly covered with chaparral, trees, grass or standing brush as defined in Title 14, California Administrative Code, Section 1561.1.
- AS. **Prescribed Burning.** The planned application of fire to vegetation on lands selected in advance of such application, where any of the purposes of the burning are specified in the definition of agricultural burning as set forth in the California Health and Safety Code, Section 39011.

SECTION ENFORCEMENT. These Regulations shall be enforced by the Air Pollution

Control Officer under direction of the Board and under authority of the Health and Safety Code, Sections 40752, 40702, 42450, 42451, 24703, 40001, 24120, and by all officers named by the Air Pollution Control Board and empowered by Section 40120. Persons authorized to enforce these Regulations are authorized to arrest without warrant as provided in Section 836.5 of the California Penal Code.

Sec 3.1 For the purpose of enforcing or administering these Regulations, the Air Pollution Control Officer or an authorized representative of such officer, upon presentation of his credentials, or if necessary under the circumstances, after obtaining an inspection warrant pursuant to Title 13, (commencing with Section 1822.50), Part 3 of the Code of Civil Procedure, shall have the right of entry to any premises on which an air pollution emission source is located for the purpose of inspecting such source, including securing samples of emissions therefrom, or any records required to be maintained in connection therewith by the Air Pollution Control District.

Sec 3.2 NOTICE TO COMPLY (pursuant to Health and Safety Code §39150-39153)

A Notice to Comply shall be issued for all minor violations cited as the result of the same inspection and the Notice to Comply shall separately list each cited minor violation and the manner in which each minor violation may be brought into compliance.

A. Definitions.

1. Notice to Comply means a written method of alleging a minor violation that is written in the course of an inspection or during any review of the stationary source by the District; and clearly states the following:
 - a. The nature of the alleged minor violation
 - b. A means by which compliance and the requirements cited by the District may be achieved; and
 - c. A time limit, not to exceed 30 calendar days, by which date compliance must be achieved; and
 - d. A statement that the inspected site or facility may be subject to reinspection at any time.
2. Minor Violation means the failure of a person to comply with administrative or procedural requirements of an applicable state requirement, District rule, regulation, permit condition, administrative or procedural plan or request for information by the District which are all of the following:
 - a. It does not result in an increase of emissions of air contaminants; and
 - b. It does not endanger the health, safety, and welfare of any person or persons; and
 - c. It does not endanger the environment; and
 - d. It does not cause or contribute to the violation of any State or National Ambient Air Quality Standard; and
 - e. It does not preclude or hinder the District's ability to determine compliance with other applicable state or

federal requirements, District rule, regulation, administrative or procedural plan, permit condition, or request for information.

3. Notwithstanding (the definition for Minor violation above), a violation of an applicable state, District rule, regulation, administrative or procedural plan, permit condition, or request for information by the District shall not be considered a minor violation if:
 - a. The violation involves failure to comply with the emissions standard in the applicable rule or regulation, including a requirement for control equipment, emission rate, concentration limit, product material limitation, or other rule provision or permit requirement associated with emissions; or
 - b. The violation is knowing, willful or intentional; or
 - c. The violation enables the violator to benefit economically from noncompliance, either by realizing reduced costs or by gaining a competitive advantage; or
 - d. The violation is chronic; or
 - e. The violation is committed by a recalcitrant violator; or
 - f. The violation results in a nuisance (Section 78.)

SECTION VALIDITY. If any regulations, rule, subdivision sentence, clause or phrase of these
4 Regulations is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of these Regulations. The Air Pollution Control Board hereby declares that it would have adopted these Regulations and every rule, subdivision, sentence, clause, and phrase thereof, irrespective of the fact that any one or more regulations, rules, subdivisions, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION EFFECTIVE DATE. These Regulations shall take effect immediately upon
5 adoption.